

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anita M. Jacobs,

Civ. No. 08-431 (JMR/JJK)

Plaintiff,

v.

Michael J. Astrue, Commissioner
of Social Security,

ORDER

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated January 7, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Summary Judgment (Doc. No. 14) be **GRANTED**, and the case be remanded for further proceedings consistent with this Report and Recommendation; and

2. Defendant's Motion for Summary Judgment (Doc. No. 23) be **DENIED**.

Dated: January 22, 2009

s/James M. Rosenbaum
JAMES M. ROSENBAUM
United States District Judge